IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(Crl.).No. 59 of 2007(S)

PETITIONER:
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1. **BUSHRA, W/O MOHAMMAD KOYA @ BAVA,**
   AGED 30 YEARS, KALLUVALAPPIL HOUSE,
   PUTHUR PALLICKAL, P.O.DEVATHIYA,
   THENJIPALAM VIA, KOZHIKODE DISTRICT.

2. **NAFEESA, MOTHER OF MOHAMMAD KOYA @ BAVA,**
   KALLUVALAPPIL HOUSE, PUTHUR PALLICKAL,
   P.O. DEVATHIYAL, THENJIPALAM VIA,
   KOZHIKODE DISTRICT.

BY ADV. SRI.K.P.MUJEEB

RESPONDENTS:
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1. **DIRECTOR GENERAL OF POLICE,**
   OFFICE OF THE D.G.P.,
   THIRUVANANTHAPURAM.

2. **DISTRICT SUPERINTENDENT OF POLICE,**
   MALAPPURAM.

3. **SUB INSPECTOR OF POLICE,**
   THENJIPALAM POLICE STATION,
   THENJIPALAM.

4. **CIRCLE INSPECTOR OF POLICE,**
   THIRURANGADI CIRCLE, MALAPPURAM DISTRICT.

5. **ABDU RAHIM @ VEERAPPAN RAHIM,**
   S/O.ABDU, CHERATTU PARAMBIL HOUSE,
   KOOMANNA, THENJIPALAM.

6. **MUJEEB RAHMAN @ MUJEEB,**
   S/O.MOHAMMED, KAVUNGAL NAMBILLATHU,
   CHELAKULATHU NEDEERIPPU,
   KONDOTTY.

7. NISHA, W/O ABDU RAHIM @ VEERAPPAN RAHIM,
KATPADI, MADRAS, TAMIL NADU STATE.

BY ADV. SRI.P.SAMSUDIN --- R5
SRI.SAIBY JOSE KIDANGOOR --- R6
GOVERNMENT PLEADER SRI. P.A SALIM

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 04/10/2007, ALONG WITH WP(CR) NO. 60 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(CR) NO: 59/2007 S

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE FIR NO. 35/07 DT. 1/2/07 SUBMITTED BY THE R3 BEFORE THE MAGISTRATE COURT, PARAPPANANGADI.

RESPONDENT'S EXHIBITS **NIL.**

True copy

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K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(Crl.) NOS. 59 & 60/2007

Dated 4th October, 2007.

JUDGMENT

Balakrishnan Nair, J.

W.P.(Crl.) No.59/2007 is filed by the wife and mother of one Mr.Mohammed Koya @ Bava, alleging that he is under the illegal detention of respondents 5 to 7. They pray for issuing a writ of habeas corpus against those respondents. W.P.(Crl.) No.60/2007 is filed by the father of one Mr.Kunjikoya Thangal, alleging that his son is detained by the respondents 5 to 7. Those respondents are common in both the writ petitions. The police have filed more than one statement in the above writ petitions. The facts would disclose that the 5th respondent is already under detention under the Kerala Anti Social Activities Prevention Ordinance, 2007. Subsequently, it is submitted, the 6th respondent has also been arrested in connection with some other offence. According to the police reports, the 7th respondent is running a brothel in Tamil Nadu. The alleged detenues as well as respondents 5 to 7 are criminals, closely associated with

each other.

2. From the materials on record, we are not satisfied that the missing persons are detained by the said respondents. Therefore, no writ of habeas corpus could be issued against them. Accordingly, the writ petitions fail. We notice that the police have already registered crimes for man-missing. If the said crimes are not properly investigated, the petitioners can work out their remedies. Subject to this right the writ petitions are dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/